

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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HARRINGTON GLOBAL OPPORTUNITY	:	
FUND, LIMITED,	:	
Plaintiff,	:	21 Civ. 761 (LGS)
	:	
-against-	:	<u>ORDER</u>
	:	
BOFA SECURITIES, INC., et al,	:	
Defendants.	:	
-----X	:	

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on April 24, 2024, Plaintiff submitted pre-motion letters requesting a conference to compel Defendants to provide additional responses to certain interrogatories and to conduct a search and produce certain materials related to communications regarding clients and accounts;

WHEREAS, on April 30, 2024, Defendants responded to both letters. Defendants argued that they have already conducted a reasonable search for the information, that the requests are untimely and that further searches or productions would be overly burdensome;

WHEREAS, fact discovery will close on June 10, 2024. It is hereby

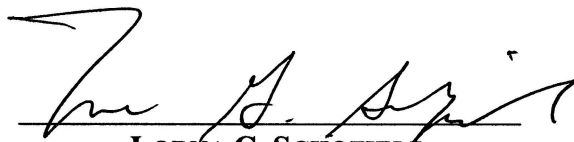
**ORDERED** that Defendants shall collect and conduct a search of the Electronically Stored Information (“ESI”) of one additional custodian, Todd Baebler. Defendants shall evaluate whether Mr. Baebler is the custodian most likely to have ESI relevant to Plaintiff’s request for communications regarding client trading in Concordia. Should Mr. Baebler not be the most relevant custodian, Defendants shall propose an alternate custodian. The parties shall negotiate search terms relevant to Plaintiff’s request for client trading communications to be applied to the ESI of the additional custodian and the ESI of previously agreed upon custodians. Should these searches yield information that identifies new key terms related to spoofing or baiting, Plaintiff

may renew its application for additional searches or custodians. It is further

**ORDERED** that Defendants need not submit further responses to Plaintiff's interrogatory requests, as the marginal benefit of additional responses at this stage of discovery is outweighed by the burden on Defendants of conducting further searches for relevant individuals or information.

**ORDERED** that by **May 10, 2024**, the parties shall file a joint letter stating that they have agreed upon the additional custodian and search terms, or otherwise describing remaining disputes. The parties are advised that no further discovery-related extensions will be granted absent extraordinary circumstances, and the parties are strongly encouraged to confer and attempt to resolve disputes without the Court's involvement, as has previously been ordered in the February 1, 2024, and March 21, 2024, orders.

Dated: May 3, 2024  
New York, New York



**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**